

Rev	Date	Description

HEALTH CARE CAPITAL  
 CONSOLIDATED, INC.  
 LOWER ROSSELL ROAD, COBB COUNTY, GA  
 LIND LOT# 1114, 1115, 1116 DISTRICT 2ND SECTION

**(1010)**  
**Z-41**

Atlanta, GA 30338  
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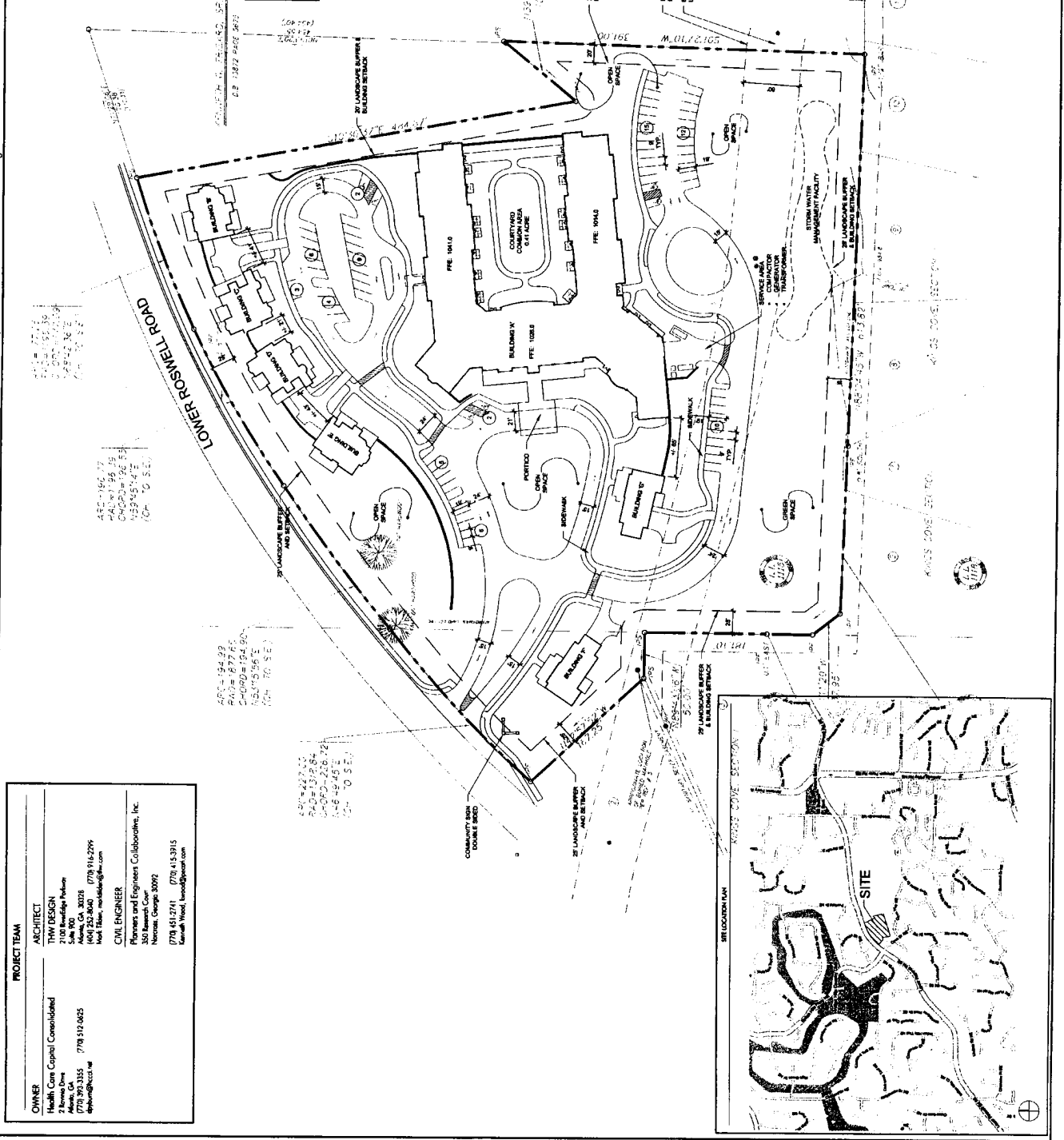
Date: 10/07/2010  
 Project No.: 10072010  
 Drawn by: EKD  
 Checked by: BT

ZONING  
 SUBMITTAL PLAN

ZN-100

**ZONING SITE DATA**

TOTAL SITE AREA: 8.81	EXISTING ZONING: R-20
PROPOSED ZONING: R-20	PROPOSED ZONING: R-20
INDEPENDENT LIVING UNITS: 60 UNITS @ 100 SF	INDEPENDENT LIVING UNITS: 60 UNITS @ 100 SF
TOTAL BUILDING SQUARE FOOTAGE: 130,000 SF	6 COUPLES UNITS (7,000 SF EACH)
PARKING REQUIREMENTS:	
INDEPENDENT LIVING UNITS @ 75 SPACES/UNIT = 45 SPACES	
TOTAL REQUIRED = 45 SPACES	
SURFACE PARKING PROVIDED = 74 SPACES @ 450 SF EACH	
LANDSCAPED PARKING = 11 SPACES	
TOTAL PARKING PROVIDED = 85 SPACES	
REQUIREMENTS:	
FRONT = 30' SETBACK	
EAST SIDE = 20' LANDSCAPE BUFFER AND SETBACK	
WEST SIDE = 20' LANDSCAPE BUFFER AND SETBACK	
FRONT = 20' LANDSCAPE BUFFER AND SETBACK	
TOTAL SPACE AREA = 202,000 SF OR GREATER, INCLUDING 100 FT OF SIDEWALK	
TOTAL SUPERVISOR AREA = 100 FT OF SIDEWALK	

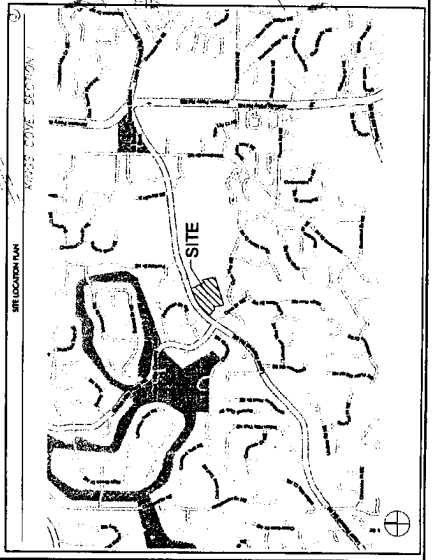


**PROJECT TEAM**

**OWNER**  
 Health Care Capital Consolidated  
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**OCT - 7 2010**  
 6088 CO. COMM. DEV. AGENCY  
 ZONING DIVISION

**APPLICANT:** Health Care Capital Consolidated, Inc.  
770-393-3355

**PETITION NO:** Z-41

**REPRESENTATIVE:** Sams, Larkin & Huff, LLP  
Parks F. Huff 770-422-7016

**HEARING DATE (PC):** 12-01-10

**HEARING DATE (BOC):** 12-14-10

**TITLEHOLDER:** Charles E. James

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** RSL

**PROPERTY LOCATION:** South side of Lower Roswell Road,  
east of Cove Drive.

**PROPOSED USE:** Residential Units For  
Senior Citizens

**ACCESS TO PROPERTY:** Lower Roswell Road

**SIZE OF TRACT:** 9.63 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Existing single-  
family houses on acreage

**DISTRICT:** 16

**LAND LOT(S):** 1114, 1115

**PARCEL(S):** 2, 8, 9, 10, 26, 27

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/Indian Hills Country Club
- SOUTH:** R-20/King's Cove Subdivision
- EAST:** R-20/Single-family house, CCMWA Quarrles Plant
- WEST:** R-20/King's Cove Subdivision

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



APPLICANT: Health Care Capital Consolidated, Inc.

PETITION NO.: Z-41

PRESENT ZONING: R-20

PETITION FOR: RSL

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Low Density Residential (1-2.5 units per acre)

**Proposed Number of Units:** 102      **Overall Density:** 10.59      **Units/Acre**

**Present Zoning Would Allow:** 20      **Units**      **Increase of:** 82      **Units/Lots**

Applicant is requesting the RSL zoning category in order to develop a supportive and non-supportive residential senior living facility. The proposed use will consist of two components; 12 independent living units that will be in six cottages and a maximum of 90 supportive units in a retirement living facility. The architectural renderings for the proposed units are being sent to the Planning Commission and Board of Commissioners as a separate attachment. The supportive facility shall include a kitchen and restaurant-style dining room that will be sized to serve all the residents. In addition, there will also be a private dining room so residents can host private dinners with friends and families. The independent and supportive units will also have kitchenettes. The supportive facility will also include a complete wellness center, an indoor heated aerobic pool, an English garden courtyard/common area and other amenities. The independent RSL units will range in size from 1,500 square feet to 2,000 square feet. Rental for the units within the RSL facility or the RSL independent units shall be approximately \$4,000 per month. The applicant has also indicated that the impervious coverage will be limited to 38%, almost half of the maximum impervious of 70%. The applicant's Summary of Intent is attached for your review.

The applicant is also requesting contemporaneous variances that include: a variance waiving the height limit from 35 feet to 55 feet due to the steep slope of the site and the need to transition the buildings commensurate with the grade; a waiver of the landscape buffer along the eastern property line to a combined 20-foot landscape buffer/building setback; allowing the required setbacks and landscape buffers along the northern, southern and western property lines be reduced to a 25-foot combined landscape buffer/setback.

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

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**COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS (CCMWA):**

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. On Lower Roswell Road, backs up to CCMWA's Quarles WTP and the Authority has a 30" PCCP Transmission Water Line and a 60' Permanent Easement that runs through the proposed project. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

APPLICANT: Health Care Capital Consolidated, Inc.

PETITION NO.: Z-41

PRESENT ZONING: R-20

PETITION FOR: RSL

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>Middle</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
<u>High</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

**Additional Comments:**

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**FIRE COMMENTS:**

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius, and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum width of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius or Hammerhead turnaround-total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Health Care Capital Consolidated

PETITION NO. Z-041

PRESENT ZONING R-20

PETITION FOR RSL

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): **12" DI / S side Lower Roswell Rd**

Additional Comments: Master meter to be at entrance

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: **On site\*\* plus 155' & 180' S / Cove Way**

Estimated Waste Generation (in G.P.D.): **A D F 14,850 Peak= 37,125**

Treatment Plant: **Sutton**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: \*\*Connection to on-site sewer (W edge of property) may require private pump station, depending on site grading plan. Connection to Cove Way would required easements and possible sewer flow study.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Health Care Capital Consolidated, Inc.

PETITION NO.: Z-41

PRESENT ZONING: R-20

PETITION FOR: RSL

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sope Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream (Kings Cove ~ 900 ft).  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream **drainage system as well as Kings Cove Lake.**

APPLICANT: Health Care Capital Consolidated, Inc.

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The extensive existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
2. As indicated under downstream conditions, there is an existing lake located approximately 900 feet downstream. Elevated erosion & sediment control measures will be required to protect this lake. A pre- and post-development sediment survey will also be required to document any impact to the lake.
3. The proposed site discharges to the south through an existing channel located on single-family residential lots. The site discharge should be directly connected to the existing downstream culvert at Cove Way to eliminate potential problems associated with this short open channel.

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Lower Roswell Rd	18100	Arterial	40 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb County DOT.*

**RECOMMENDATIONS**

Lower Roswell Road is classified as an arterial and according to the available information; the existing right-of-way does not meet the minimum requirements for this classification. Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Lower Roswell Road, a minimum of 50' from the roadway centerline.

Recommend a deceleration lane on Lower Roswell Road.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



## STAFF RECOMMENDATIONS

### **Z-41 HEALTH CARE CAPITAL CONSOLIDATED, INC.**

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The surrounding property is zoned R-15 and R-20. Once past the allowable institutional users to the east, the character of the area is well defined as single-family detached homes that are in the 2,000 to 3,000 square-foot range. It is Staff's opinion that the 90,000 square-foot supportive building would be out of scale with the existing houses, and does not meet the location requirement by the County Code.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Although building suitable housing for the senior population is important and needed, this may not be an appropriate location. Additionally, to build the proposal, the property would have to be clear cut and mass graded which would impact the adjacent single-family houses and down stream lake.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis. Staff is concerned with the amount of tree removal and grading that would have to be done to place this use on the property.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Low Density Residential land use category. This type of development is required to be in a Regional Activity Center, Community Activity Center or Neighborhood Activity Center.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The RSL proposal is not in accordance with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Low Density Residential land use category. Staff is concerned with the fact that the property would have to be clear cut and mass graded, which would negatively impact the adjacent houses. Staff believes this use would be suitable, if built to match the intensity and scale of the adjacent single-family houses.

Based on the above analysis, Staff recommends DENIAL.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

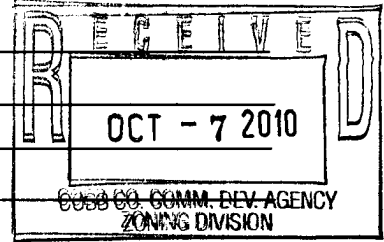
# Summary of Intent for Rezoning\*

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**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): The independent RSL units shall range in size from 1,500 square feet to 2,000 square feet. The RSL facility shall be approximately 95,000 square feet in size (90 units).
- Proposed building architecture: Architectural renderings/elevations will be submitted under separate cover.
- Proposed selling prices(s): Rental for the units within the RSL facility or the RSL independent units shall be approximately \$4,000 per month.
- b) List all requested variances: Waiver of building height on 3-level portion of RSL facility from 35' to 55' due to the steep slope of the site and the need to transition the buildings commensurate with the grade.

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**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_



.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

The subject property is located on the edge of an "Institutional Activity Center" consisting of a water treatment plant, government buildings, church facilities and other institutional uses. The RSL proposal provides a transition/step-down into residential areas moving in a westerly direction on Lower Roswell Road.

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**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where those properties are located.)**

There is a Cobb County-Marietta Water Authority Easement which traverses the southernmost portion of the subject property. The proposed development does not impact the easement.

\*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.